

J- N<sup>o</sup> 72

Annie James,

vs

Co. + Co. Nation.

N<sup>o</sup> 74.

Southern Dist. Court

N<sup>o</sup>

Dawson Commission.

Nellie Worthy, et al,

Original copy of case.

Question of facts:

1. Was Joseph James, a Chickasaw.
2. Was Nellie Alverson ever married to Joseph James.
3. Is Annie James the child of Joseph James.
4. What has become of Nellie Worthy

For Claimants

Eastman James --  
Joseph Brown --  
John Thomas --  
E. D. Carter -- -- Ardmore

Nations

Annie James } T. No. 72. Sou. Dist. No. 74.  
vs. }  
Chickasaw Nation }

Petition to Dawes Commission alleges: Nellie Alverson, a white woman was married on Feby. 10, 1889 to Joseph James, a Chickasaw indian, by whom she had one child the applicant Annie James.

Joseph James, died in June 1897 and his widow then married a white man, Scott Worthy.

Application denied by Dawes Commission  
Appealed to U. S. Court, Sou. Dist.

Judgment, March, 8, 1898, admitted Annie James.  
Annie James only person named in petition  
for writ of error.

Query:

1. Was Joseph James, a Chickasaw indian.
2. Was Nellie Alverson ever married to Joseph James.
3. Is Annie James the child of Joseph James.

Ascertain facts from records of Dawes Commission.

J. S. Alverson,

SUMMONS.

United States of America,

Indian Territory,

SS

Choctaw and Chickasaw Citizenship Court.

The President of the United States of America,

To the United States Marshal for the Indian Territory, Southern District,

GREETING:

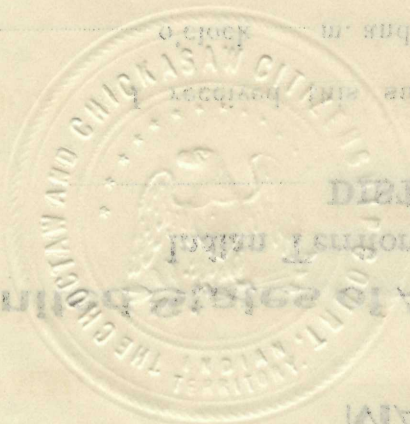
You are hereby Commanded to Summons P. S. Moseley, Governor of the Chickasaw Nation, to answer on behalf of said nation, in twenty days after the service of this summons upon him, as Governor of said Nation a complaint in Equity filed against the Choctaw and Chickasaw nation in the Choctaw and Chickasaw Citizenship Court, in the Indian Territory, at

*Dushomingo*, by *Annie James*

and warn him that upon his failure as said Governor to answer on behalf of said nation, the complaint will be taken for confessed, and you will make return of the summons instanter;

And you are further commanded to notify said P. S. Moseley Governor aforesaid, that the papers, files and proceedings in the case of *Annie James* File No. *79* in the District Court for the *Southern* District of the Indian Territory, has been transferred to the Choctaw and Chickasaw Citizenship Court, and that the certificate of the clerk of said court for said *Southern* District, Indian Territory, has been attached thereto.

WITNESS the Honorable Spencer B. Adams, Chief Judge, Walter L. Weaver and Henry S. Foote, Associate Judges, and the Seal thereof, at South McAlester, Indian Territory, aforesaid, this *23* day of March A. D., 1903.



*Gas B. Bassada* Clerk.  
*E. S. Bewitt* Deputy.

By \_\_\_\_\_ Deputy.

SUMMONS.

United States of America,  
Indian Territory, }  
Choctaw and Chickasaw Citizenship Court. } SS

The President of the United States of America,

To the United States Marshal for the Indian Territory, Northern District,

GREETING:

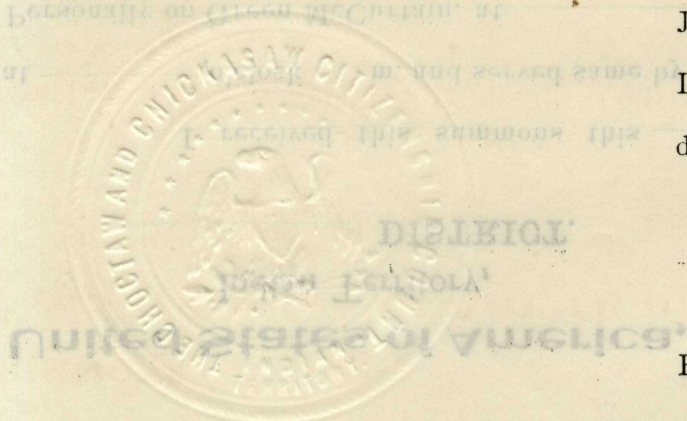
You are hereby Commanded to Summons Green McCurtain, Principal Chief of the Choctaw Nation, to answer on behalf of said nation, in twenty days after the service of this summons upon him, as Principal Chief of said Nation a complaint in Equity filed against the Choctaw and Chickasaw nation in the Choctaw and Chickasaw Citizenship Court, in the Indian Territory, at Tishomingo, by Annie James

and warn him that upon his failure as said Principal Chief to answer on behalf of said nation, the complaint will be taken for confessed, and you will make return of the summons instanter;

And you are further commanded to notify said Green McCurtain, Principal Chief aforesaid, that the papers, files and proceedings in the case of Annie James File No. 79 in the District Court for the Southern District of the Indian Territory, has been transferred to the Choctaw and Chickasaw Citizenship Court, and that the certificate of the clerk of said court for said Southern District, Indian Territory, has been attached thereto.

WITNESS the Honorable Spencer B. Adams, Chief Judge, Walter L. Weaver and Henry S. Foote, Associate Judges, and the Seal thereof, at South McAlester, Indian Territory, aforesaid, this 23 day of March A. D., 1903.

Gas B. Cassada Clerk.  
By E. L. Berritt Deputy.



Annie James { Joseph James  
Nellie Alverson  
then married Scott Conroy

6.139

Joseph James died June 1891

was Joseph James a Chick. Ind.

was Nellie Alverson ever married to Joseph James

Is Annie James the child of Joseph James.

126 Chick Court Case

"The duplicate application, belonging to the Chick - is not found in the possession of the Com" x x

no papers except Den. of N -  
a receipt for papers

Census Card Record.

James Annie, 8. 7 1/2. <sup>feather</sup> Joe James 6d Chick Ind.  
mother Nellie James. N a cts

J. S. Alverson

2" - to 12-50-72"  
1, 2, 3-98 - to 12

Annie James, No 72

Annie James

Admit - Check said by blood

IN THE CHOCTAW AND CHICKASAW CITIZENSHIP COURT.

ANNIE JAMES,           Petitioner,        )  
                          vs.                                )  
CHOCTAW and CHICKASAW                )  
NATIONS,                   Defendants.                )        PETITION.

Comes now the petitioner, Annie James, and respectfully represents and shows to the court that she is a citizen and member of the Chickasaw Tribe or Nation of Indians, by Blood; that she is now, and has been all her life a resident of the said Chickasaw Nation, Indian Territory; that on the 9th day of September, 1896, she applied to the Commission to the Five Civilized Tribes for citizenship and enrollment as a member of the Chickasaw Nation or Tribe of Indians; that said commission heard said application, and this petitioner was by the judgment of said Commission denied citizenship and enrollment as a member of said Chickasaw Tribe or Nation of Indians.

That thereafter, and within the time prescribed by law this petitioner appealed from the judgment of said Commission to the Five Civilized Tribes to the United States Court for the Southern District of the Indian Territory, at Ardmore, and and said appeal was docketed in said court in a cause styled Nellie Worthy et al., vs. Chickasaw Nation, and numbered 74.

That thereafter, in said United States Court for the Southern District of the Indian Territory, at Ardmore, a full, complete and final trial was had of said cause No. 74, styled as aforesaid,, and said court therein adjudged and decreed this



petitioner to be a citizen and member of said Chickasaw Nation or Tribe of Indians, and ordered and directed the said Commission to the Five Civilized Tribes to place the names of this petitioner upon the roll of citizenship of the Chickasaw Nation or Tribe of Indians, as a member thereof; which said judgment was rendered by and entered of record in said court on the 8th day of March, 1898.

Petitioner further shows that by its judgment rendered on the 17th day of December, 1902, in a cause styled The Choctaw and Chickasaw Nations, or Tribes of Indians, plaintiffs, vs. J. T. Riddle et al., defendants, this court adjudged and decreed all the judgments and decisions of the United States Courts in the Indian Territory, admitting to citizenship and enrollment as citizens of the Choctaw and Chickasaw Nations, upon appeal from the Commission to the Five Civilized Tribes, the ten defendants named in said cause in this court, as well as those who had come in and made themselves parties to said cause, and all judgments rendered in favor of all persons similarly situated, null and void.

This petitioner states that she was not a party to said suit or cause of The Choctaw and Chickasaw Nations, or Tribes of Indians, plaintiffs, vs. J. T. Riddle, et al., defendants.

That this court did not have the power or authority or jurisdiction under the pleadings and evidence in said cause, to set aside or vacate the judgment of said United States Court for the Southern District of the Indian Territory, adjudging and establishing the citizenship and membership of this petitioner as a member and citizen of said Chickasaw Tribe or Nation of Indians; and that said said judgment of the said United

States Court for the Southern District of the Indian Territory, at Ardmore, declaring and adjudging this petitioner to be a citizen and member of said Chickasaw Tribe or Nation of Indians was not in any way affected, set aside or avoided by the said judgment of this court.

This petitioner, states, however, that inasmuch as this court has entered its judgment and decree setting aside all the judgments of the United States Court for the Southern District of the Indian Territory, where the parties thereto are similarly situated to the ten defendants named in said cause of The Choctaw and Chickasaw Nations, or Tribes of Indians, plaintiffs, vs. J. T. Riddle, et al., defendants, the Commission to the Five Civilized Tribes is denying and will deny to this petitioner all the rights and privileges of a citizen and member of said Chickasaw Nation or Tribe of Indians; and this petitioner will be denied and deprived of all her rights and privileges as a citizen and member of said Chickasaw Nation or Tribe of Indians, unless the files, papers, and proceedings in said cause, No. 79, styled Nellie Worthy et al., vs. Chickasaw Nation, in said United States Court for the Southern District of the Indian Territory, at Ardmore, be certified and sent to this court for further proceedings therein:

Now, therefore, this petitioner, still insisting upon her rights as a citizen and member of said Chickasaw Nation or Tribe of Indians, and without waiving any of the rights adjudged and decreed to belong to her under and by virtue of said judgment of said United States Court for the Southern District

of the Indian Territory, at Ardmore, in said cause No. 79, styled Nellie Worthy et al., vs. Chickasaw Nation, most respectfully pray this court for an order or writ of error, ordering and directing the clerk of the United States Court for the Southern District of the Indian Territory, at Ardmore, to certify and transfer to this honorable court all the files, papers and proceedings in said cause No. 79, styled Nellie Worthy, et al., vs. Chickasaw Nation, in said court; that the principal chief of the Choctaw Nation and the Governor of the Chickasaw Nation be cited, and served with process herein, to the end that this petitioner be established in, and not deprived of her right as a citizen and member of said Chickasaw Nation of Tribe of Indians, and for all other just and proper relief in the premises.

*Ruce Ruce*  
Attorneys for petitioner.

*copy of matter*

In the Choctaw and Chickasaw Citizenship Court,  
Sitting at Tishomingo, I.T. June 24, 1904.

--o--

Annie James et al,

No. 72.

--vs--

The Choctaw and Chickasaw Nations,

--o--

Present and presiding the Hons. Spencer B. Adams, Walter  
L. Weaver and Henry S. Foote, Judges of said Court.

--o--

This day this cause coming on to be heard, the Defendants  
being represented by their Counsel, Mansfield, McMurray & Cornish  
the following proceedings were had to-wit;

Mr. Cornish;

We wish the record to show that the case is submitted  
for the final decision of the Court.

--o--

In The Choctaw and Chickasaw Citizenship Court, sitting at  
Tishomingo, in the Southern District of the Indian Territory.

Annie James,

vs.

No. 72.

Choctaw and Chickasaw Nations.

DECREE OF COURT.

On this 30th day of June, 1904, this cause coming on  
for final decision, the same having heretofore been submitted  
upon the law and the evidence, and the Court being well and  
sufficiently advised in the premises, doth find that the  
plaintiff, Annie James, is entitled to be declared a citizen  
by blood of the Chickasaw Nation, and to enrollment as such,  
and to all the rights, privileges and immunities flowing  
therefrom.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the  
petition of the plaintiff, Annie James, be granted, and that she  
be declared a citizen by blood of the Chickasaw Nation, and  
entitled to enrollment as such citizen, and entitled to all the  
rights, privileges and immunities which flow therefrom.

.....  
Chief Judge.

.....  
Associate Judge.

.....  
Associate Judge.

I N D E X.

BEFORE THE HONORABLE JAMES COMMISSION,

Application to Commission	1
Affidavit of Eastman James	3
Affidavit of Joseph Brown	4
Affidavit of John Thomas	5
Affidavit of C. D. Carter	6
Judgment U. S. Court	7
Petition for appeal	8

CLAIM TO CITIZENSHIP.

She says that the said Joseph James was a full blood Chickasaw and Cherokee Indian by blood; that his father was Joseph James, Sr. and a full blood Cherokee Indian and his mother's name was Mary Brown, who was a full blood Chickasaw Indian; that by reason thereof the said Joseph James was a one-half Chickasaw and one-half Cherokee Indian by blood.

She says that the said Joseph James was a full blood Chickasaw and Cherokee Indian by blood; that his father was Joseph James, Sr. and a full blood Cherokee Indian and his mother's name was Mary Brown, who was a full blood Chickasaw Indian; that by reason thereof the said Joseph James was a one-half Chickasaw and one-half Cherokee Indian by blood.

She says that since the death of the said Joseph James, she has resided with her present husband, Scott Worthy.

She says that by reason of the facts herein stated, she and the applicant, Scott Worthy, are one-half Chickasaw and one-half Cherokee Indian by blood.

She says that by reason of the facts herein stated, she and the applicant, Scott Worthy, are one-half Chickasaw and one-half Cherokee Indian by blood.

She says that by reason of the facts herein stated, she and the applicant, Scott Worthy, are one-half Chickasaw and one-half Cherokee Indian by blood.

A. C. Carter,  
Attorney for applicants.

BEFORE THE HONORABLE DAWES COMMISSION.

-----+-----

Nellie Worthy and Annie James, )  
Indian Territory )  
vs #79 ) CLAIM TO CITIZENSHIP.  
Chickasaw Nation. )  
Chickasaw Nation. )

The applicants, Nellie Worthy and Annie James, would respectfully represent and show to this commission that, the applicant, Nellie Worthy's, maiden name was Nellie Alverson; that she has lived in the Indian Territory, Chickasaw Nation, for twelve years; that she was, on the 10th day of February 1889, duly and lawfully married to Joseph James, in the Chickasaw Nation, Indian Territory, and lived with the said Joseph James until his death, which occurred in June, 1891.

She says that the said Joseph James was a full blood Chickasaw and Choctaw Indian by blood; that his father was Eastman James, he was a full blood Choctaw Indian and his mother's maiden name was Martha Brown, who was a full blood Chickasaw Indian; that by reason thereof the said Joseph James was a one-half Chickasaw and one-half Choctaw Indian by blood.

She says there was born of said Union between herself and the said Joseph James, the applicant herein Annie James, who is a one-half Chickasaw and Choctaw Indian by blood.

She says that since the death of the said Joseph James, she intermarried with her present husband, Scott Worthy.

She says that by reason of the facts herein stated, both she and the applicant Annie James, are Chickasaw Indians by blood and marriage as aforesaid, and are entitled to all the rights and privileges of a full blood Chickasaw Indian.

WHEREFORE, They pray that the applicants herein be enrolled, and that their citizenship as members of the Chickasaw Tribe of Indians be established, and for all other proper relief .

A. C. Cruce,

Attorney for Applicants.

BEFORE THE HONORABLE LAND COMMISSIONERS,

Indian Territory

Chickasaw Nation.

Indian Territory, the affiant, Gustavus James, after being duly sworn, upon

Chickasaw Nation.

That he is 43 years of age, and that he is acquainted with the applicant, Nellie Worthy, after being duly sworn, upon oath says: Worthy was married to Joseph James, and that the said Joseph James was a Chickasaw and Choctaw, and that the statements made in the foregoing application are true.

Subscribed and sworn to before me this 20th day of August, 1896, she is the only issue of the marriage between the said Joseph James and the applicant, Nellie Worthy, who was the George M. Curtis,

Notary Public,

S. E. A. L.

Subscribed and sworn to before me, this 20th day of August, 1896, the said Joseph James was a Chickasaw and Choctaw Indian by blood, and the applicant, Nellie Worthy, was born of said Joseph James and the said George M. Curtis, and she is a Chickasaw and Choctaw Indian by blood.

S. E. A. L.

The facts stated above are true, and the said Joseph James, and the applicant, Nellie Worthy, are entitled to all the rights and privileges of a full blood Chickasaw Indian.

WHEREFORE, they pray that the applicants herein be enrolled, and that their applications as members of the Chickasaw Tribe of Indians be established, and for all other proper relief.

A. C. Chase,

Attorney for Applicants.



Indian Territory

Indian Territory

Chickasaw Nation.

The affiant, Joseph Brown, after being fully sworn, upon oath says:

That he is 48 years of age, and that he is acquainted with the applicants Nellie Worthy and Annie James, and he knows the said Applicant Nellie Worthy was married to Joseph James, and that the said Joseph James was a son of this affiant, the issue of his union with the said Martha Brown, who was a full blood Chickasaw Indian; and that the said Joseph James was a Chickasaw and Choctaw Indian by blood being one-half Chickasaw and one-half Choctaw, and he knows that the applicant Annie James is a Chickasaw Indian by blood by reason of said Marriage, and that she is the only issue of the marriage between the said Joseph James and the applicant, Nellie Worthy, who was the wife of the said Joseph James.

his  
Eastman x James  
mark

Subscribed and sworn to before me, this 20th day of August, 1896.

Notary Public,

S. E. A. L.

Joseph Brown.

Subscribed and sworn to before me this 21st day of Aug. 1896.

Geo. M. Curtis,  
Notary Public

S E A L

Indian Territory

Chickasaw Nation.

The affiant, Joseph Brown, after being duly sworn says:

That he is 33 years of age, and is a full blood Chickasaw Indian. He says that he was born and raised in the Chickasaw Nation, Indian Territory, and has lived here all his life; that he is acquainted with Nellie Worthy; that the said Nellie Worthy was married to Joseph James some six or seven years ago; that the said Joseph James was a one-half Chickasaw and one-half Choctaw Indian by blood. He is now dead. He was a son of Eastman James, who is a full blood Choctaw Indian, and Martha Brown, who was the wife of Eastman James, and who was a full blood Chickasaw Indian; that the said Nellie Worthy lived with the said Joseph James until his death, and that there was born unto them of said Union, one child, whose name is Annie James, and who is about six years of age, and a one-half Chickasaw and Choctaw Indian and one-half white person by blood.

That after the death of the said Joseph James, the said Nellie Worthy intermarried with Scott Worthy, and is now living with him in the Indian Territory, Chickasaw Nation, where she has lived for a number of years, and for a number of years prior to her marriage with the said Joseph James.

He says that the said Joseph James was always accorded all the rights and privileges of a Chickasaw Indian and was recognized as such by the Chickasaw authorities.

Subscribed and sworn to before me this the 20th day of August, 1896.  
Joseph Brown.

Notary Public

Subscribed and sworn to before me this 21st day of Aug. 1896.

Geo. M. Curtis,

Notary Public

S E A L

Indian Territory

Chickasaw Nation.

The affiant, John Thomas, after being duly sworn, says:

That he is 47 years of age: that he is a one-half Chickasaw Indian by blood; that he is acquainted with Nellie Worthy, whose maiden name was Nellie Alverson; that said Nellie Alverson was married to Joseph James some time in 1889 or 1890, and that they lived together as man and wife until the death of said Joseph James. He says that the said Joseph James was a full blood Chickasaw and Choctaw Indian, his father, Eastman James, being a Choctaw, and his mother, whose maiden name was Martha Brown, being a full blood Chickasaw Indian. I am acquainted with Eastman James, the father of Joseph James, and was acquainted with his mother in her lifetime, whose maiden name was Martha Brown. Of the union between Nellie Alverson, and said Joseph James, there was born a girl, whose name was Annie James, who looks to be five or six years of age. After the death of the said Joseph James, his widow, Nellie James, whose maiden name was Nellie Alverson, intermarried with, and is now living with Scott Worthy as man and wife. She, Nellie Worthy, has lived in the Indian Territory, Chickasaw Nation, for some 12 or 13 years, and her child, Annie James, has lived in the Indian Territory all of her life. And they are both now so living.

his  
John x Thomas.  
mark

Subscribed and sworn to before me this the 20th day of August, 1896.

Geo. M. Curtis,

S E A L

Notary Public

5-

Indian Territory

Chickasaw Nation.

The affiant, C. B. Carter, says :

That he is 26 years of age, and is a Chickasaw and Cherokee Indian byblood, and is now the Superintendent of Public Schools for the Chickasaw Nation. I was acquainted with Joseph James; he was a son of Eastman James and Martha James, and was a one-half Chickasaw and Choctaw Indian. He was always recognized as a Chickasaw citizen by the Chickasaw authorities. While I do not know it to be a fact personally, yet I have been informed and so understand that he was married to Nellie Alverson, who is now the wife of Scott Worthy. She has a little girl, five or six years old, that I have seen and understood is the issue of her marriage to Joseph James.

C D Carter.

Subscribed and sworn to by C. D. Carter, this 20th day of Aug. 1896.

Geo. M. Curtis, Public.

Notary Public.

S E A L

Subscribed and sworn to before me this the 20th day of August, 1896.

Geo. M. Curtis,

Notary Public

S E A L

Nellie Worth, et al.

Vs. No. 79 Judgment, Southern District, March 8, 1898.

Chickasaw Nation.

This day this cause x coming on for trial upon the pleadings, exhibits, proof, Master's report and exception filed thereto, and the court being advisedxxxx, is of the opinion that said report should be in all respects confirmed and the court being fully advised upon the whole case, doth order, adjudge and decree that the applicant, Annie James, be and she is hereby admitted as a member of the Chickasaw Tribe of Indians by blood, and that she have all the rights, privileges as such. The Clerk of this Court is hereby ordered to transmit a certified copy of this judgment to the Commission to the Five Civilized Tribes of Indians, which said Commission is hereby directed to place her name upon the rolls made out by it for the Chickasaw Nation, as a member thereof by blood. To this judgment, the Chickasaw Nation by its attorney excepts.

That a transcript of the record, proceedings, and papers upon which said order was made duly authenticated, may be sent to the Supreme Court of the United States to be filed by G. T. Carter, this 20th day of July, 1898.

Wm. T. Curtis,  
Solicitor for Defendant.

This 13th day of July, 1898.

The foregoing claim of appeal is allowed, and bond for said fixed at \$100.00.

Wm. T. Curtis,  
Judge

This 13th day of July, 1898.

IN THE UNITED STATES COURT FOR THE SOUTHERN DISTRICT OF THE INDIAN TERRI)  
TORY, AT ARDMORE.

Nellie Worthy, et al, Plaintiff  
vs # \_\_\_\_\_  
Chickasaw Nation. Defendants.

The above named defendant deeming itself agreived by the de-  
cree made and entered in the above entitled cause on the 8th day of  
March, 1898, hereby appeals from said order and decree to the Supreme  
Court of the United States for the reasons specified in the assignment of  
erros filed herewith, and it prays that this appeal may be allowed and  
that a transcript of the record, proceedings, and papers upon which said  
order was made duly authenticated, may be sent to the Supreme Court of  
the United States.

W. B. Johnson,  
Solicitor for Defendant.

This the 11th day of July, 1898.

The foregoing claim of appeal is allowed. and bond for cost  
fixed at \$100.00.

Hosea Townsend.  
Judge

This the 11th day of July, 1898.

8